

1
2
3 BILL NO. G-77-06-

39

4 GENERAL ORDINANCE NO. G-

40-77.

5 AN ORDINANCE amending General Ordinance
6 No. G-97 by authorizing the vacation of
7 a certain Alley.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
9 WAYNE, INDIANA:

10 SECTION 1. Petition for the vacation of a certain
11 alley having been filed with the Fort Wayne City Plan Commission
12 in accordance with Section 44, Chapter 174, of the Acts of the
13 General Assembly of the State of Indiana, as amended by Section
14 3, Chapter 385, of the Acts of 1963 of the General Assembly of the
15 State of Indiana (I. C. 18-7-5-46), the Thoroughfare Plan as set
16 forth in General Ordinance No. G-97 adopted by the Common Council
17 of the City of Fort Wayne on November 26, 1963, is amended by
18 deleting the following alley, to-wit:

19 That portion of the north-south alley, extending
20 north from East Branning Street to the east-west
21 alley, lying between Lot #9 Engles Addition and
22 Lot #25 Calhoun Place Addition.

23 SECTION 2. After passage of this Ordinance, approval by
24 the Mayor and legal publication, a duly certified copy of this
25 Ordinance, of the recommendation of the Fort Wayne City Plan
26 Commission, and of the action of the Mayor, shall be transmitted
27 by the City Clerk to the Board of Public Works of the City of Fort
28 Wayne, Indiana.

29 SECTION 3. This Ordinance shall be in full force and
30 effect from and after its passage, approval by the Mayor and legal
31 publication thereof.

32 Vivian H. Schmidt
33 Councilman

34 APPROVED AS TO FORM
35 AND LEGALITY.
[Signature]
CITY CLERK

Read the first time in full and on motion by V. Schmidt, seconded by Hunter, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 6-28-77

Charles W. Whitman
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hunter, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>X</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 10-25-77

Charles W. Whitman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-40-77 on the 25th day of October, 1977.
ATTEST: (SEAL)

Charles W. Whitman
CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of October, 1977, at the hour of 11:30 o'clock P. M., E.S.T.

Charles W. Whitman
CITY CLERK

Approved and signed by me this 26th day of October, 1977, at the hour of 4:00 o'clock P. M., E.S.T.

Robert Thompson
MAYOR

Bill No. G-77-06-39

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation of
a certain Alley

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WINFIELD C. MOSES, JR. - VICE-CHAIRMAN

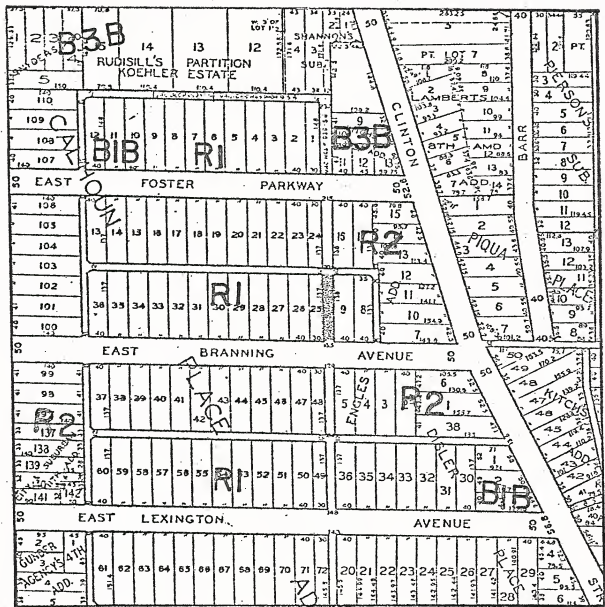
WILLIAM T. HINGA

DONALD SCHMIDT

SAMUEL J. TALARICO

Vivian G. Schmidt
Winfield C. Moses, Jr.
William T. Hinga
Donald Schmidt
Samuel J. Talarico

10-25-77
DATE 10-25-77 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK



■ ALLEY TO BE VACATED

G-77-06-39

BY
M.F.C. 5-25-77

R E S O L U T I O N

WHEREAS, REBA VALENTINE and EDWARD W. AND LINDA D. MAHRT, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley, situated in Fort Wayne, Allen County, Indiana, to-wit:

That portion of the north-south alley, extending north from East Branning Street to the east-west alley, lying between Lot # 9 Engles Addition and Lot # 25 Calhoun Place Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana: Indiana Code, Section 18-7-5-46;

WHEREAS, notice of such public hearing has been given by due and property publication thereof; and,

WHEREAS, said public hearing was held on Monday, July 18, 1977, at 7:30 o'clock p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley;

WHEREAS, said vacation of alley has been routed thru the following departments: Street Engineering, Traffic, Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and thru the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of Fort Wayne, Indiana:

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved:

BE IT FURTHER RESOLVED no public utility occupying and using said alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

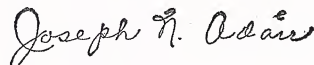
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of alleys in Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, JOSEPH N. ADAIR, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on JULY 18, 1977, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 17TH DAY OF OCTOBER, 1977

FORT WAYNE CITY PLAN COMMISSION



Joseph N. Adair
Secretary

65-61 9/21/7

R E S O L U T I O N

WHEREAS, REBA VALENTINE and EDWARD W. AND LINDA D. MAHRT, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, Indiana, to-wit:

That portion of the north-south alley, extending north from East Branning Street to the east-west alley, lying between Lot # 9 Engles Addition and Lot # 25 Calhoun Place Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of alley has been routed thru the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and thru the Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley, hereinbefore, described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED BY THE Board of Public Works that the vacation of said public alley hereinbefore described and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Henry P. Wehrenberg, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works following a Board of Works meeting held on September 21, 1977, and as the same appears of record in the official records of said Board of Public Works.

Dated this 21st day of September, 1977

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg
Henry P. Wehrenberg, Chairman

Ethel H. LaMar, Member

Max G. Scott
Max G. Scott, Member

THIS AGREEMENT made and entered into this 6TH day of September, 1977, by and between REBA VALENTINE, unmarried and over the age of 18 years, hereinafter called "VALENTINE" and EDWARD W. MAHRT and LINDA D. MAHRT, husband and wife, hereinafter called "MAHRT", WITNESSETH:

Valentine is the owner in fee simple of the following described real estate in Allen County, Indiana:

Lot 25 in Calhoun Place Addition, an Addition to the City of Fort Wayne, Allen County, Indiana;

Mahrt is the owner in fee simple as tenants by the entireties of the following described real estate in Fort Wayne, Allen County, Indiana:

Lot 9 Engles Addition to the City of Fort Wayne according to the recorded plat thereof;

Valentine and Mahrt have heretofore joined in a Petition to Vacate that portion of the North-South alley extending North from East Branning Avenue to the southerly boundary of the first East-West alley North of Branning Avenue and bounded on the West by real estate hereinabove described as owned by Valentine and bounded on the East by real estate hereinabove described as owned by Mahrt.

In consideration of the mutual covenants and agreements herein-after set forth, it is covenanted and agreed that upon the vacation of said hereinabove described real estate by City Plan Commission and approval by Ordinance of the Common Council of the City of Fort Wayne, Indiana, of said vacation, Valentine will promptly convey by Quit Claim Deed, the East 1/2 of said alley as so vacated.

This Agreement shall be binding upon the heirs, executors, administrators and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned Valentine and Mahrt have hereunto set their hands and seals this 6TH day of September, 1977.

REBA VALENTINE

EDWARD W. MAHRT

LINDA D. MAHRT

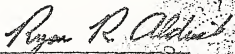
Will pick up
Edward Mahrt
- Ex - 7343

1977 SEP - 6 AM 9:09
ALLEN COUNTY RECORDER
J. C. Phillips

STATE OF INDIANA)
) SS
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for Allen County, Indiana, personally appeared the within named, Reba Valentine and the within named Edward W. Mahrt and Linda D. Mahrt, husband and wife, and acknowledged the execution of the above and foregoing Agreement this 6TH day of September, 1977.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.


Notary Public

My Commission Expires:
RYAN R. ALDRICH
My Commission Expires March 21, 1981

This instrument prepared by:

Fred D. Schoppman
Attorney at Law
Member, Allen County Bar Assn.

PETITION TO VACATE PORTION OF ALLEY

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The Undersigned petitioner(s), does (do) hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following portion of public alley, within the City of Fort Wayne, Indiana; and hereby described as follows:

That portion of the north-south alley, extending north from East Branning Street to the east-west alley, lying between Lot # 9 Engles Addition and Lot # 25 Calhoun Place Addition

In support thereof, your petitioner(s) would represent as follows:

1. That they are the owners of the real estate abutting both sides of the alley.
2. That the alley is not necessary as ingress or egress to other properties whatsoever.
3. That said alley is unimproved.
4. That no other person, firm, or corporation is interested in or affected by the requested vacation.
5. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Indiana Code, Section 18-7-5-45, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 15th DAY OF June, 1977.

Reba Valentine
227 East Branning Avenue
(Lot # 25 Calhoun Place Addition)

Edward W. Mahrt
Edward W. Mahrt

Linda D. Mahrt
Linda D. Mahrt
301 East Branning Avenue
(Lot # 9 Engles Addition)

18W Number assigned by Bill Salin's office: # 3650

Admn. Appr. _____

- DIGEST SHEET

2-77-06-39

TITLE OF ORDINANCE Alley vacation ordinance

DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE Petitioners are requesting the

vacation of the following described property: That portion of the
north-south alley, extending north from East Branning Street to the east-west
alley, lying between Lot # 9 Engles Addition and Lot # 25 Calhoun

Place Addition.

EFFECT OF PASSAGE If vacated, alley will be utilized by abutting
property owners

EFFECT OF NON-PASSAGE Alley will remain open and unimproved.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) _____

Regulations



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

October 27, 1977

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of October 31 and November 7, 1977, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-77-06-39
General Ordinance No. G-40-77

Vacation of a certain alley

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWN/ne
ENCL: 1



Common Council of Fort Wayne
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines _____

Head number of lines _____ 1

Body number of lines _____ 90

Tail number of lines _____ 1

Total number of lines in notice _____ 92

COMPUTATION OF CHARGES

92 lines, 1 columns wide equals 92 equivalent lines at \$2.50 cents per line \$23.80

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) _____ 1.50

TOTAL AMOUNT OF CLAIM

\$25.30

PUTTING COST

9.9
Size of single column _____ 5 1/2 point
Size of quad upon which type is cast _____ 5 1/2

provision and penalties of Ch. 89, Acts 1967,

that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just no part of the same has been paid.

V. E. Gerken

at 7, 19 77

Title _____ CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned _____ V. E. GERKEN who, being duly sworn, says that she is _____ CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 2, the dates of publication being as follows:

10/31 & 11/7/77

Subscribed and sworn to before me this 7th day of November 1977

Notary Public

My commission expires September 28, 1979

GENERAL ORDINANCE NO. G-48-77.
Notice is hereby given that on the 25th day of October, 1977, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following G-48-77 General Ordinance, to-wit:

BILL NO. G-77-06-39
AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I. C. 18-7-5-46), the Throughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by omitting the following alley, to-wit:

That portion of the north-south alley, extending north from East Branning Street to the east-west alley, lying between Lot No. 9 Engles Addition and Lot No. 225 Calhoun Place Addition.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Vivian G. Schmidt, City Clerk
Read the third time in full and on motion by V. Schmidt, seconded by

Hunter, and duly adopted, placed on its passage. PASSED by the following

votes: Ayes, Nine: Burns, Hinga, Hunter, Nokes, Nuckolls, D. Schmidt, V. Schmidt, Stier, Talarico.

Nays: None

Date: 10-25-77

Charles W. Westerman, City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-48-77 on the 25th day of October, 1977.

ATTEST: (SEAL)

Charles W. Westerman, City Clerk
John Nuckolls, Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of October, 1977, at the hour of 11:20 o'clock A.M., E.S.T.

Charles W. Westerman, City Clerk
Approved and signed by me this 26th day of October, 1977, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong, Mayor
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-48-77 passed by the Common Council on the 25th day of October, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 26th day of October, 1977 and now remains on file and on record in my office.

Charles W. Westerman, City Clerk
10-31/11-7

Common Council of Fort Wayne
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines _____

Head number of lines _____ 1

Body number of lines _____ 90

Tail number of lines _____ 1

Total number of lines in notice _____ 92

COMPUTATION OF CHARGES

92 lines 1 columns wide equals 92 equivalent lines at .25¢ \$ 23.83
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM \$ 25.33

DATA FOR COMPUTING COST

9.9
Width of single column 2 ems Size of type 5½ point

Number of insertions 2 Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. GERKEN

Date November 7, 1977

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
Allen County }

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

10/31 & 11/7/77

Subscribed and sworn to before me this 7th day of November 1977

Notary Public

My commission expires September 28, 1979

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ADVERTISEMENT HERE

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Charles
W.
Westerman,
City
Clerk
10-31/1-7

Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines _____

Head number of lines _____ 1

Body number of lines _____ 90

Tail number of lines _____ 1

Total number of lines in notice _____ 92

COMPUTATION OF CHARGES

92 lines, 1 columns wide equals 92 equivalent lines at .259¢ cents per line \$ 23.83

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) _____ 1.50

TOTAL AMOUNT OF CLAIM

\$ 25.33

PUTTING COST

9.9
of single column 11 ems

Size of type 5½ point

er of insertions 2

Size of quad upon which type is cast 5½

provision and penalties of Ch. 89, Acts 1967,

that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just part of the same has been paid.

Ar 7, 19 77

Arvilla DeWald
Title _____ CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

10/31 & 11/7/77

Subscribed and sworn to before me this 7th day of November 1977

My commission expires September 28, 1979

GENERAL ORDINANCE NO. G-40-7.
Notice is hereby given that on the 25th day of October, 1977, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following G-40-77 General Ordinance, to-wit:

BILL NO. G-77-98-39

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I. C. 18-7-5-46), the Throughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following language, to-wit:

"That portion of the north-south alley, extending north from East Branning Street to the east-west alley, lying between Lot No. 9 Enclaves Addition and Lot No. 223 Calhoun Place Addition.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Read the third time in full and on motion by V. Schmidt, seconded by Hunter, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine: Burns, Hinga, Hunter, Moses, Nuckolls, D. Schmidt, V. Schmidt, Talarico.

Nays: None

Date: 10-25-77

Charles W. Westerman, City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance of the 40-77 on the 25th day of October, 1977.

ATTEST: (SEAL)

Charles W. Westerman, City Clerk
John Nuckolls, Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of October, 1977, at the hour of 11:30 clock A.M., E.S.T.

Charles W. Westerman, City Clerk
Approved and signed by me this 26th day of October, 1977, at the hour of 4:00 clock P.M., E.S.T.

Robert E. Armstrong, Mayor
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-40-77 passed by the Common Council on the 25th day of October, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 26th day of October, 1977 and now remains on file and on record in my office.

Charles W. Westerman, City Clerk
10-31/11-7

Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

1

90

1

92

COMPUTATION OF CHARGES

92 lines, 1 columns wide equals 92 equivalent lines at .259¢ cents per line

\$ 23.83

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 25.33

DATA FOR COMPUTING COST

Width of single column 9.9 M ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date November 7, 1977

Title ARVILLA DEWALD CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
ALLEN County } ss:

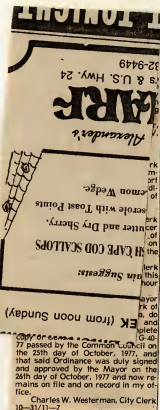
Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows: 10/31 & 11/7/77

Subscribed and sworn to before me this 7th day of November 1977

Notary Public

My commission expires September 28, 1979

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77 passed by the Common Council on the 25th day of October, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 25th day of October, 1977 and now remains on file and on record in my office.
Charles W. Westerman, City Clerk
10-35/11-7